

U.S. Appln. No. 10/039,153  
Amendment Dated Oct. 28, 2005  
Reply to Office Action of July 28, 2005  
Docket No. BOC9-2001-0013 (248)

### **REMARKS/ARGUMENTS**

These remarks are submitted in response to the Final Office Action of July 28, 2005 (Office Action). As the response is timely filed within the three-month statutory period, no fee is believed due.

On page 2 of the Office Action, Claims 1-5, 7-13, 15-19, 22-23 and 27-29 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,188,757 to Malik (hereinafter Malik). On page 3 of the Office Action, Claims 6, 14, 20-21, and 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,819,173 to Lawrence, *et al.* (hereinafter Lawrence).

Independent Claims 1, 9, 17, and 22 have been amended to emphasize certain aspects of Applicants' invention. Dependent Claims 4, 12, and 18 have been amended to maintain consistency with the claims from which they depend. Dependent Claims 3, 11, and 26 have been cancelled. The amendments are supported throughout the Specification. (See, e.g., Specification, p. 10, lines 13-20; p. 11, lines 10-11; p. 12, lines 8-13; and p. 16, lines 8-16; see also p. 5, lines 3-8 and p. 6, lines 6-11.) No new matter has been introduced by virtue of the amendments.

#### **I. Applicants' Invention**

It may be useful to reiterate certain aspects of Applicants' invention prior to addressing the references cited in the Office Action. The invention is directed to systems and methods for temporarily provisioning a telephone service feature. One aspect of the invention is the temporary allocation of telephony resources to support a selected telephone service feature for the duration of the call, followed by a subsequent reallocation of the resources upon termination of the call.

The allocation of resources for a single call, followed by a reallocation of resources to facilitate future requests, obviates the need to dedicate specific resources to

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every telephone subscriber. (See Specification, p. 10, lines 17-20.) This can effect a significant reduction in costs accruing to telephone service providers, which also can be passed onto consumers of telephone services in the form of reduced charges for specific services.

A particular embodiment of the invention, as typified by amended independent Claim 1, is a method of provisioning a telephone service feature. The method includes identifying a telephone service feature to be temporarily provisioned for the duration of a call, the feature not previously having been provisioned by an exchange carrier. The method also includes temporarily allocating telephony system resources to support the identified telephone service feature, and temporarily activating the identified telephone service feature for the duration of the call. The method further includes deactivating the telephone service feature and reallocating the telephony system resources that support the feature in response to completion of the call. (See, e.g., Specification, p. 10, lines 13-20.)

## **II. The Claims Define Over The Prior Art**

As already noted, independent Claims 1, 9, 17, and 22 were rejected as being anticipated by Malik. Malik is directed to a system and method for providing a telephone customer with the ability to obtain temporary advanced telecommunications services pursuant to a rental agreement between the customer and the telephone service provider. (Col. 8, lines 20-24 and Col. 15, lines 58-61; see also Abstract.)

Malik allows a customer to initiate a rental agreement for temporary services, but to do so the customer has to "place a call to a special access code." (Col. 8, lines 24-27.) In any event, whether the customer has an already-established rental agreement or wants to initiate one, every such call requesting a temporary service is routed through a "rental service interface through which rental information" is either collected or an existing rental agreement confirmed. (See, e.g., Col. 8, lines 27-30; Col. 9, lines 1-5; Col. 18, lines 56-60; see also FIG. 3.)

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With Malik, when a rental agreement is active, the service contracted for is also active. The telecommunication service provided under the rental agreement remains active until "deactivated by deleting the rental record associated with the calling line" of the customer. (Col. 12, lines 13-16.) Specifically, the service is not deactivated until either the customer initiates an early termination of the rental agreement or the period of the rental agreement expires. (See Col. 25, line 48 – Col. 27, line 24.)

Malik's exclusive focus is on providing telephone services features pursuant to an active, verifiable rental agreement. Malik nowhere teaches or suggests that the temporary provisioning of a telephone service feature lasts only for the duration of a single call, as recited in each of independent Claims 1, 9, 17, and 22. Instead, Malik provides a telephone service feature and allocates resources for supporting the feature until either a rental agreement lapses or a customer takes the affirmative step of canceling the contract. Accordingly, Malik does not teach or suggest deactivating a telephone service feature upon the termination of a single call for which the service was temporarily provisioned, as recited in each of the independent claims.

Malik, moreover, does not reallocate telephony features upon the termination of a single call for which the resources were allocated, as also recited in the independent claims as amended. Instead, as already noted, Malik maintains the feature, and by implication the resources to support it, until the feature is "deactivated by deleting the rental record associated with the calling line" of the customer. (Col. 12, lines 13-16.) As also noted already, deletion of the rental record occurs only after a customer affirmatively terminates the rental agreement or the term of the rental agreement expires.

Establishing access to a telephone service feature in Malik requires not merely a single call through which the request is identified – the same call for which the identified telephone service feature is provided in Applicants' invention – but rather an additional call to a "special access code." Accordingly, Malik further fails to teach or suggest

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identifying a telephone service feature to be temporarily provisioned for the duration of a call as expressly recited in each of independent Claims 1, 9, 17, and 22.

Applicants respectfully submit, therefore, that Malik fails to teach or suggest every feature recited in independent Claims 1, 9, 17, and 22, as amended, and that the claims thus define over the prior art. Applicants further respectfully submit that whereas the remaining dependent claims each depend from one of the amended independent claims while reciting additional features, it follows that dependent Claims 2, 4-8, 10, 12-16, 18-21, 23-25, and 27-29 likewise define over the prior art.

### CONCLUSION

Applicants believe that the application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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